

**Applicant Initiated Interview Request Form**

Application No.: 10/029,372<sup>2</sup> First Named Applicant: David W. Koenig  
Examiner: Elizabeth M. Cole Art Unit: 1771 Status of Application: Final Rejection  
Mailed December 18, 2003

**Tentative Participants:**(1) Examiner Cole(2) Christopher M. Goff (Reg. No. 41, 785)Proposed Date of Interview: February 3, 2004 Proposed Time: 11:00 (AM/PM)**Type of Interview Requested:**(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues (Rej., Obj., etc.)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection	1-7, 9-11, 14-17, 20-23, 26-28, 31-35, 38	Mandell et al. Romano et al.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rejection	12-13	Mandell et al. Romano et al. Lorenzi et al.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Brief Description of Arguments to be Presented:**

The finality of the Office action is improper under MPEP 706.07 as none of the rejections of the first Office action have been maintained and all rejections of the final Office action are new and not necessitated by Applicants' amendments.

Independent claim 1 requires an osmoregulation protector selected from the group consisting of glycine betaine, proline betaine, trigonelline, carnitine, and arsenobetaine. None of the prior art references cited by the Office in the final Office action disclose these osmoregulation protectors. Mandell and Lorenzi disclose betaines generally; however, the references never disclose glycine betaine, proline betaine, trigonelline, carnitine, and arsenobetaine. Romano does disclose a general betaine structure wherein R<sup>1</sup>, R<sup>2</sup>, and R<sup>3</sup> can independently be one carbon; however, Romano further requires the sum of R<sup>1</sup>, R<sup>2</sup>, and R<sup>3</sup> to be from 14 to 24 carbon atoms. Also, the exemplary betaines set forth by the reference, including the betaines disclosed in the examples, comprise the required 14-24 carbon atoms of R<sup>1</sup>, R<sup>2</sup>, and R<sup>3</sup>. Additionally, the Office has explicitly admitted Romano does not disclose the required betaines by withdrawing the 102(b) rejection of claims 21 and 24-26 in view of Romano from the first Office action. As the Office states in the final Office action, "all rejections not maintained above are withdrawn in view of Applicants' amendments and arguments". See paragraph 6 of Final Office Action. Therefore, the general betaine structure of Romano does not disclose glycine betaine, proline betaine, trigonelline, carnitine, and arsenobetaine as required by claim 1. As such, the prior art references do not disclose or suggest each and every limitation of claim 1 of the instant Application as required by 35 U.S.C. 103(a).

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature) \_\_\_\_\_

(Examiner/SPE Signature) \_\_\_\_\_

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## FACSIMILE TRANSMITTAL COVER SHEET

DATE: February 2, 2004 ATTORNEY DOCKET NUMBER: KCC 4788  
PTO FACSIMILE NUMBER: (703) 872-9310PLEASE DELIVER THIS FACSIMILE TO: Elizabeth M. Cole  
THIS FACSIMILE IS BEING SENT BY: Christopher M. Goff  
NUMBER OF PAGES: 2 INCLUDING COVER SHEETTIME SENT: 1:25 pm OPERATOR'S NAME Donna M. Tucker

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to  
the Patent and Trademark Office on the date shown below.Donna M. Tucker  
Typed or printed name of person signing certification  
Donna M. Tucker February 2, 2004  
Signature DateType of paper transmitted: Applicant Initiated Interview Request  
FormApplicant's Name: Kimberly-Clark Worldwide, Inc.Serial No. (Control No.): 10/029,372 Examiner: E. ColeFiling Date: December 20, 2001 Art Unit: 1771Application Title: PRODUCTS FOR CONTROLLING MICROBIAL GENERATED  
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